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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,193	09/25/2003	Gary E. Wheat	13DV14196-4	7238

31838 7590 07/29/2005

HASSE GUTTAG & NESBITT LLC  
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MASON, OH 45040

EXAMINER

TUROC, DAVID P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/671,193

Applicant(s)

WHEAT ET AL.

Examiner

David Turocy

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 22-32.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Detailed Action.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant's amendments, filed 7/21/05, have been reviewed by the examiner. The examiner notes the cancellation of non-elected claim 1 as well as rejected claims 16-21. The submitted amendments have been entered because they require no further search and consideration. Claims 22-32 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 7/21/2005 have been fully considered but they are not persuasive.

The applicant has argued against Pillhoefer et al, stating they do not teach the claimed path the carrier gas takes when introduced. The applicant argues the rejection is based on information personally known to the Examiner, and not those ordinary in the art. The examiner respectfully disagrees. The rejection, states that due to the angle of the screens (4A) in Figure 2 the carrier gas generally takes a generally curved centripetal path. This assertion is not based on personal information known only to the Examiner, but rather as evidenced by the figures. While no arrows indicate the direction of the gas flow in the figures of Pillhoefer et al., the gas does have a flow path. The plurality of inert carrier gas streams enter the chamber through the screens (4a), which direct the streams, due to their angular arrangement, toward the center of the chamber,

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or in other words direct the streams on a centripetal path. In addition, the angle of the screen (4a), relative to the inlet pipes (10A,B), directs the inert carrier gas streams on a curved generally centripetal path. Since the path is not known personally by the examiner, as discussed above, the requested affidavit/declaration by the examiner is not necessary.

The applicant has argued against Pillhoefer et al., stating they do not teach of how the carrier gas is introduced, where the carrier gas as taught by Pillhoefer is introduced through the aluminum source and the claimed method does not require such introduction, however, such an argument is not commensurate in scope with the claims. The claims only require the carrier gas is introduced as a plurality of gas streams proximate the top of the coating chamber, which is taught by Pillhoefer et al as discussed in the prior office actions. In addition the claims as written do not limit the claim to exclude passing through an aluminum source.

The applicant has argued against Pillhoefer et al., stating that they do not teach the gas flow rates for introducing the inert carrier gas and one of ordinary skill in the art would not result to routine experimentation in order to optimize. The applicant argues the rejection is based on information personally known to the Examiner and not those ordinary in the art. The examiner respectfully disagrees. The rejection is not based on personal information known only to the Examiner, but rather what Pillhoefer et al would reasonably suggest to one of ordinary skill in the art. While Pillhoefer et al fails to teach any gas flow rates, in particular those as claimed, the inert gas flow does inherently have a flow rate and one of ordinary skill in the art would reasonable expect the flow

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rate to affect the flushing ability of the inert gas. Therefore it would have been obvious to one of ordinary skill in the art to optimize the gas flow rate, including ones within the claimed ranges, through routine experimentation, absent evidence showing criticality for using the claimed flow rates as discussed in the office action, dated 2/11/2005. Since the flow rates are not known personally by the examiner, as discussed above, the requested affidavit/declaration by the examiner is not necessary.

The applicant has argued against Walter, stating the reference teaches supplying the gas through a single gas stream at the bottom of the container and not a plurality of gas streams at the top of the container. However, Walter is utilized here as a showing that a propellant, either hydrogen or argon, is known in the art to run through the metal source and deposit metallic coatings on articles. Walter is also utilized to shown known activators in the art. While Walter utilizes the propellant and activator in a different manner, Walter suggests that a propellant of hydrogen or argon and an ammonium chloride activator are known in the art to deposit metallic coatings on articles within a container and therefore one of ordinary skill in the art would reasonably expect such propellants and/or activators to be suitable in the process of Pillhoefer et al. and for the reasons set forth in the office action dated 2/11/2005.

The applicant has argued against the motivation to combine the teachings of Walter with the process of Pillhoefer et al. Walter discloses, at column 2, lines 29-42, providing an inert propellant to the system into the container to circulate the coating gas within the chamber. Walter discloses such propellant circulation is efficient and cost-

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beneficial, where the moving of parts during the coating process can be avoided, therefore allowing for a uniform coating even at high temperatures. Therefore one of ordinary skill in the art would be motivated to modify Pillhoefer et al to continue the flow of the hydrogen carrier gas to effectively circulate the coating gas in the chamber to reap the benefits of a uniform coating.

Walter discloses  $\text{NaCl}_4$  is a known activator in the art and taking the references collectively one would be motivate to use the activator as taught by Walter during the process of Pillhoefer to effectively activate the metal. Please note that the test of obviousness is not an express suggestion of the claimed invention in any or all references, but rather what the references taken collectively would suggest to those of ordinary skill in the art presumed to be familiar with them (*In re Rosselet*, 146 USPQ 183).

### ***Conclusion***

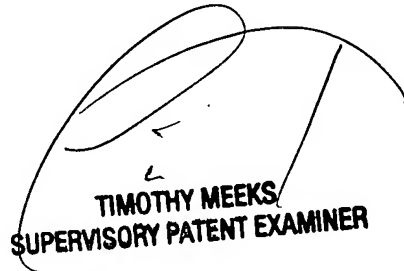
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy  
AU 1762



TIMOTHY MEEKS  
SUPERVISORY PATENT EXAMINER